

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

L.K.M. et al.,

Plaintiffs,

v.

BETHEL SCHOOL DISTRICT, et al.,

Defendants.

CASE NO. C18-5345 BHS

ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFFS' MOTION FOR
LEAVE TO AMEND COMPLAINT

This matter comes before the Court on Plaintiffs' motion for leave to amend complaint and change caption. Dkt. 44.

On September 3, 2020, Plaintiffs filed a motion for leave to amend the complaint to remove former-Defendant Nancy McKeeman ("McKeeman") and add proposed-defendant Lori Haugen ("Haugen"). *Id.* Plaintiffs wish to amend their complaint to include Haugen in their "§ 1983 causes of action based upon her personal liability." *Id.* at 5. However, the Court granted summary judgment on Plaintiffs' § 1983 claims against the Individual Defendants in this action, concluding that the Individual Defendants are entitled to qualified immunity. Dkt. 65 at 7, 8. A court may deny leave to amend "where the amendment would be futile . . . or where the amended complaint would be subject to

1 dismissal. *Saul v. United States*, 928 F.2d 829, 843 (9th Cir. 1991). “[A] proposed
2 amendment is futile only if no set of facts can be proved under the amendment to the
3 pleadings that would constitute a valid and sufficient claim or defense.” *Miller v. Rukoff-*
4 *Sexton, Inc.*, 845 F.2d 2019, 214 (9th Cir. 1988), *overruled on other grounds by Ashcroft*
5 *v. Iqbal*, 556 U.S. 662 (2009). Because the Court has previously found that Plaintiffs’
6 cannot maintain a § 1983 claim due to qualified immunity, Plaintiffs’ motion for leave to
7 amend is futile.

8 Plaintiffs also request leave to change the caption and remove McKeeman
9 pursuant to the parties’ stipulated motion. *See* Dkts. 24, 25. Defendants have not objected
10 to this proposed amendment. *See* Dkt. 47.

11 Therefore, the Court **DENIES** Plaintiffs’ request to add Haugen as a defendant
12 and **GRANTS** Plaintiffs’ request to amend the caption and remove McKeeman as a
13 defendant.

14 **IT IS SO ORDERED.**

15 Dated this 19th day of April, 2021.

16
17 

18 BENJAMIN H. SETTLE
19 United States District Judge
20
21
22